REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed May 3, 2006 ("*Office Action*"). Claims 1-32 are pending. The Examiner rejects all pending claims. Applicant respectfully requests reconsideration and favorable action in this case.

Claim Rejections - 35 U.S.C. §103

A.   **The proposed combinations fail to teach or suggest all elements of the claims.**

        1.   *Claims 1-3, 5-12, 14-20, 22, 23, and 25-31 are patentable over the Verma-Das combination:*

The Examiner rejects Claims 1-3, 5-12, 14-20, 22, 23, and 25-31 under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,522,880 issued to Verma, et al. ("*Verma*"), in view of U.S. Patent Application Publication No. 2001/0036834 issued to Das, et al. ("*Das*"). Applicant respectfully traverses the rejection on the ground that *Verma* and *Das*, whether taken alone or in combination, fail to teach or suggest all limitations of the claims. Consider Applicant's independent Claim 1, which recites:

> A system for distributing packets for communication to a mobile unit comprising:
> a mobile unit having a device identifier and an internet protocol (IP) address comprising a first subnet identifier, the mobile unit roaming in a foreign network having a second subnet identifier;
> a mobility manager operable to determine a multicast address for the mobile unit based on the device identifier, to receive multicast address requests that include the device identifier, and to communicate the multicast address responsive to the multicast address requests;
> a foreign agent in the foreign network, the foreign agent operable to detect the mobile unit, to determine the device identifier for the mobile unit, to communicate a request including the device identifier to the mobility manager, to receive the multicast address from the mobility manager, and to register for a multicast group identified by the multicast address; and
> a home agent operable to receive IP packets addressed to the mobile unit, to determine the multicast address associated with the mobile unit, to encapsulate the IP packets as payloads for multicast packets addressed to the multicast address, and to communicate the multicast packets for receipt by devices registered for the multicast group using a packet network.

Applicant appreciates the Examiner's consideration of and response to Applicant's previously submitted arguments. In response, Applicant more fully explains why the references at least

fail to teach or suggest "[a] foreign agent operable . . . to register for a multicast group identified by the multicast address," as required by Claim 1.

As teaching these claimed aspects, the *Office Action* points to both *Das* and the provisional application upon which *Das* relies for a filing date (the *"Das Provisional"*). *Office Action*, pp. 3 & 9. As noted previously by Applicant, *Das's* filing date falls after Applicant's filing date. Thus, in order to qualify as prior art, the *Das Provisional* must teach or suggest the claimed aspects that the *Office Action* asserts are taught or suggested by *Das*. M.P.E.P. § 706.02. Accordingly, Applicant addresses the teachings of the *Das Provisional* rather than *Das*.

As teaching the claimed foreign agent, the *Office Action* points to the *Das Provisional*, page 8, first column, lines 8-11. *Office Action*, p. 9. The cited and surrounding text in the *Das Provisional* states:

> When the MN [Mobile Node] decides that it is going to change FAs [Foreign Agents] . . . it sends a *MovementImminent* message to its current FA (FA_2). . . . The FA then relays this message, along with the identity of the MN, to the corresponding MA [Mobility Agent] (which is maintained as a field in the FA's table of supported MNs). On reception of this message from the FA, the MA consults its tables and determines the multicast group that identifies the neighbors of FA_2. It begins to encapsulate all subsequently arriving packets for MN and forwards it to the multicast group members . . . . Since the set of neighboring subnets is well-established, the membership of this multicast group is always stable.

Das Provisional, pg. 8, col. 1, ll. 1-18. In summary, the *Das Provisional*'s mobile node decides that it is going to change foreign agents and sends a message to its current foreign agent, who relays the message to the mobility agent. *Id.* The mobility agent determines the multicast group that identifies the neighbors of the current foreign agent. *Id.* The mobility agent also encapsulates all subsequently arriving packets for the mobile node and forwards them to the multicast group members. *Id.*

This description makes clear that the *Das Provisional* fails to teach or suggest a foreign agent operable to register for a multicast group identified by the multicast address, as required by Claim 1. Rather, the *Das Provisional* specifically states that the set of neighboring subnets is "well-established" and that the membership of the multicast group "is always stable." *Id.* The *Das Provisional* teaches pre-established, stable multicast groups. Thus, Applicant respectfully submits that the cited portion of the *Das Provisional* fails to teach or suggest any device operable to register for a multicast group identified by the

multicast address, much less a foreign agent operable to do so. *Verma* fails to remedy the deficiencies of the *Das Provisional*.

Applicant thus respectfully submits that *Verma* and *Das*, whether taken alone or in combination, fail to teach or suggest every element of Claim 1. Likewise, independent Claims 6, 14, 22, and 25 include limitations that, for similar reasons, are not taught or suggested by the references. Because *Verma* and *Das*, whether taken alone or in combination, fail to teach or suggest every element of independent Claims 1, 6, 14, 22, and 25, Applicant respectfully requests reconsideration and allowance of Claims 1, 6, 14, 22, and 25, and their respective dependent claims.

2. *Claims 4, 13, 21, 24, and 32 are patentable over the proposed* **Verma-Das-Kim** *combination.*

The Examiner rejects Claims 4, 13, 21, 24, and 32 under 35 U.S.C. §103(a) as unpatentable over *Verma* in view of *Das*, and further in view of U.S. Patent No. 6,070,075 issued to Kim ("*Kim*").

As described above, Applicant has shown that the *Verma-Das* combination fails to disclose all limitations of independent Claims 1, 6, 14, 22, and 25. Accordingly, the *Verma-Das* combination fails to teach or suggest all limitations of Claims 4, 13, 21, 24, and 32 because these dependent claims incorporate the limitations of their respective independent claims. *Kim* fails to remedy the deficiencies of *Verma* and *Das*.

Thus, *Verma*, *Das*, and *Kim*, whether taken alone or in combination, fail to teach or suggest all limitations of Claims 4, 13, 21, 24, and 32. Because the references fail to teach all limitations of the claims, Applicant respectfully requests reconsideration and allowance of Claims 4, 13, 21, 24, and 32.

B. The *Das Provisional* teaches away from the claims, and, thus, the use of *Das* under 35 U.S.C. § 103 is improper.

If a reference teaches away from the claims, then the use of that reference under § 103 is improper. M.P.E.P. § 2145. Applicant respectfully submits that the *Das Provisional* teaches away from the claims. Again, consider Applicant's independent Claim 1, which requires: "[a] foreign agent operable . . . to register for a multicast group identified by the multicast address."

First, the *Das Provisional* specifically states that the set of neighboring subnets is "well-established" and that the membership of the multicast group "is always stable." *Das Provisional*, pg. 8, col. 1, ll. 16-18. Then, after identifying the multicast groups as always stable, the *Das Provisional* describes the advantages of this stable multicast group:

> We thus avoid the latencies associated with the dynamic formation of this group (e.g., latencies involved with Join messages in typical IP multicasting protocols).

Id. at pg. 8, col. 1, ll. 18-20. The *Das Provisional* also states that its "scheme does not require group members to join and leave the group dynamically." *Id.* at pg. 7, col. 2, ll. 40-42. Thus, the *Das Provisional* technique avoids dynamic formation of multicast groups and any registrations for multicast groups. Thus, the *Das Provisional* teaches away from a foreign agent operable to register for a multicast group identified by the multicast address, as required by Claim 1.

Applicant thus respectfully submits that the *Das Provisional* teaches away from Claim 1. Also, the *Das Provisional* teaches away from independent Claims 6, 14, 22, and 25 for substantially similar reasons. Because the *Das Provisional* teaches away from limitations of Claims 1, 6, 14, 22, and 25, the use of *Das* under § 103 is improper. For at least this reason, Applicant respectfully requests reconsideration and allowance of Claims 1, 6, 14, 22, and 25, and their respective dependent claims.

Conclusion

Applicant has made an earnest attempt to place the Application in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of the Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

While no fee is believed to be due, the Commissioner is hereby authorized to charge any extra fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicant

Kurt M. Pankratz
Reg. No. 46,977
(214) 953-6584

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Customer ID No. 05073